IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHEMBER SUMMONS NO.624 OF 2007.

SUIT NO.2918 OF 2004.

Central Bank of India. ...Plaintiff.

V/s.

Dinesh Khemchan Shah & Ors. and
Jamirullah Baitullah Khan ...Defendants.

And

Jamirullah Baitullah Khan ...Respondent.

Mr. A.S.Pal i/b.O.A.Das for the plaintiff.
Mr. S.R.Gupta for the respondent.

CORAM : S.J. VAZIFDAR J.

DATE : 26TH JULY, 2007.

P.C. :-

1. Respondent has taken out this Chamber Summons to be impleaded in the suit and for being appointed as an agent of the Court Receiver.

2. This is a suit for recovery of housing loan granted by the plaintiff to defendant no.1. The loan is secured by a mortgage created on the suit plot by defendant no.1 in favour of the plaintiff. When the receiver went to take possession, the respondent was found to be in possession.

3. The respondent claimed to have purchased the flat prior to defendant no.1. He further stated that without prejudice to his rights and contentions he willing to pay the royalty.

4. In the circumstances, the Chamber Summons is made absolute in terms of prayers (a) and (b). The respondent shall be liable to pay royalty as fixed by the Court Receiver but shall not be required to furnish security. Amendment to be carried out within four weeks.